

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**MERCURY CASUALTY COMPANY OF
AMERICA**, As Subrogee Of Herman G. Boose,

Plaintiff,

vs.

BROAN-NUTONE, LLC, a Delaware
corporation, et al,

Defendants.

Case No.: 18-CV-6221 YGR

**ORDER CONTINUING HEARING ON ORDER
TO SHOW CAUSE**

TO KRSTO MIJANOVIC, PARTIES, AND COUNSEL OF RECORD:

The Court has reviewed and considered Mr. Mijanovic's written response to the Order to Show Cause issued February 7, 2019 (Dkt. No. 22) and is not fully satisfied with the response.

First, the Order to Show Cause focused solely on conduct by Mr. Mijanovic, as lead counsel, not the firm generally. Second, the response entirely ignores the requirement that counsel appear prepared to address all matters relative to the case in a substantive manner. The transcript reflects that associate counsel could not so do; nor was she able to do so given her last-minute placement on the case. Third, while the circumstances surrounding the unexpected departure of counsel created part of the problem, Mr. Mijanovic's disingenuous attempt to side-step responsibility and justify his conduct by ignoring key portions of the requirement *quoted in the order* strains credulity. Mr. Mijanovic should understand this Court holds integrity and honesty in high regard. Further, the Court understands the realities of practice sometimes result in mistakes. However, it will also sanction dishonesty, deflection, and misguided attempts to mislead the Court. Further, counsel fails to recognize that by failing to comply with the rules, the Court and plaintiff were unable to have a substantive discussion with the defense about the case.

Accordingly, the Court is inclined to impose the sanction of \$250.00 on Mr. Mijanovic himself for violating the Court's Standing Order but will provide him one last opportunity to set

1 forth an adequate response. The hearing on this Order to Show Cause is **CONTINUED** from February
2 22, 2019, to **Friday, March 1, 2019**, on the Court's **9:01a.m.** Calendar, in the Federal Courthouse,
3 1301 Clay Street, Oakland, California, in Courtroom 1.

4 By no later than **Friday, February 22, 2019**, counsel **KRSTO MIJANOVIC** may file a
5 supplemental written response to this Order to Show Cause. If the Court is satisfied with the
6 response, it may vacate the hearing on the Order to Show Cause. Otherwise, **KRSTO MIJANOVIC**
7 must personally appear at the hearing. Neither a special appearance nor a telephonic appearance will
8 be permitted. Failure to file a written response or to appear personally will be deemed an admission
9 that the imposition of monetary sanctions is appropriate.

10 **IT IS SO ORDERED.**

11 Date: February 15, 2019



YVONNE GONZALEZ ROGERS

UNITED STATES DISTRICT COURT JUDGE